



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
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PLANNING COMMISSION  
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MINUTES  
MAY 19, 2021

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The web-based meeting hosted on Zoom was called to order by Vice-Chairman Joel Urice at 7:35 PM

Present were Robert Chiocchio, Helen Hoffstaetter, Perry Salvagne, and Joel Urice. Also present was Deputy Planning Director Jennifer Emminger.

Absent were Chairman Arnold Finaldi and Alternates Kevin Haas and Gary Renz.

Mr. Salvagne made a motion to accept the May 5, 2021 minutes. Mrs., Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes.

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CONTINUATION OF PUBLIC HEARING:

Newtown Road LLC/Maria & Manuel Andre, Manuel Neves Gouveia Marques, & Antonio Mendes Gouveia Marques – Application for Special Exception/Site Plan Approval for Child Day Care Center in the CG-20/RA-8 Zone – 36 Newtown Road, 40 & 42 Newtown Road, Whitney Avenue (K13188, K13190 & K12255, & K12254) – SE 780. **THIS APPLICATION IS TABLED - THERE WILL BE NO ACTION TAKEN OR DISCUSSION ON IT.**

Mrs. Hoffstaetter made a motion to table and continue this hearing. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with four ayes.

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Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776.

Attorney Ward Mazzucco spoke in favor of this application. He said that with him are civil engineer Ralph Gallagher and also Tom Nejame, who is one of the principals in the business. Attorney Mazzucco said revised plans and responses to departmental comments,

as well as an operations plan were submitted. He then referred to a PowerPoint presentation to show a GIS map of the site first, then an aerial photo while pointing out various parts and activities on the site. The next few slides were photos of the site and he said that based on the previous approval, the following improvements had been made to the site: screening, driveway, sidewalk, and drainage. He said that the previous approval was for a much larger building than what they are proposing now. He showed several photos of various views of the site, as well as views from the roadway into the site. He then said the permitted use activities on the site consist of carpentry and woodworking, a contractor's office, metal fabrication, and stone cutting. He then listed the special exception uses: storage of concrete aggregates and bituminous products, manufacture of concrete products, outdoor storage of building materials, and repair of construction equipment and vehicles. There were more photos of the roadway and the buffers located around this site, and then he presented the following summary of the operations that take place on the site.

Summary of Operations – Nejame Plaza, LLC  
44 Payne Road, Danbury  
Updated May 13, 2021

Nejame Plaza, LLC, owns the property known as 44 Payne Road in Danbury, Connecticut. The property, located in the City's most intensive industrial district (IG-80), supports the operations of the Nejame family pool construction and maintenance business, as well as general residential and commercial construction. As such, a number of construction related activities occur on the property. All are related to the Nejame family businesses. No third-party businesses are served, but, of course, the property could be conveyed some day to a business that conducts activities consistent with the approvals sought by the applicant.

The property serves as a staging and storage area for construction materials and equipment, which are subsequently transported to residential pool construction sites. All materials necessary for the construction of aboveground pools, inground pools, and spas are stored at the property. What is present on the property at any given time depends on the specifications of the various construction projects the business is engaged in. Construction materials commonly stored outdoors on the property include sand, stone, lumber, topsoil, bricks, decorative blocks, and stone, with concrete being stored indoors.

The property serves as a staging and storage area for company vehicles used in the construction of pools and in general construction. While the fleet of company vehicles changes with the needs of the business, the typical assortment of vehicles includes passenger cars and trucks, such as dump trucks, water tank trucks, and trailers for hauling equipment. The property serves as a storage area for additional construction equipment such as backhoes, bulldozers, tank trucks, dump trucks, pickup trucks, flatbed trucks, passenger cars, excavators, and payloaders. Additional items of construction equipment could be added in the future, as the needs of the business may dictate. Company vehicles and construction equipment are repaired at the property from time to time.

Longer term and overnight parking of construction vehicles will ordinarily occur in truck/trailer parking spaces, as opposed to passenger car parking spaces.. Storage of materials will ordinarily occur in bins. Parking spaces will not be used for storage or repairs.

Most of the employees of the pool business specialize in construction and spend much of their time off-site at construction locations, but a small number of employees may occasionally utilize office space at 44 Payne Road for communication with other employees, customers, and vendors.

Inside the building, vehicles are garaged and repaired, and fabrication related to the pool and construction businesses takes place.

A private well serves the property, and the property will be connected to the municipal sewer line as part of the construction process.

Mrs. Hoffstaetter noted that the operations plan did not mention the hours of operation and asked Attorney Mazzucco to address them in terms of noise disturbance to the adjacent residential neighborhood. Attorney Mazzucco tried to call on Mr. Nejame to answer this, but he did not respond. Attorney Mazzucco then said he believes that this time of year is the busy season and sometimes the trucks return to the site as late as 8:30 PM, but most of the year, they operate during the regular work hours of 8AM to 4PM. Attorney Mazzucco said their application has been approved by the Environmental Impact Commission. There was discussion as to what types of work would be done inside of the building, and also the existing landscape buffer between the site and the Jehovah Witness site. Attorney Mazzucco showed various photos of the site distances and said the applicants have maintained the landscaping so as to not impede the view from any direction.

At this point Mr. Nejame joined the meeting. He said he wanted to address some of the things that had come up. Mr. Nejame said the hours of operation are as Attorney Mazzucco described. He said there could be trucks returning to the site later in the evening because during the May-June busy period, they work as far away as Westchester County and Hartford. He continued saying that they had been asked to provide specific information about what they do on the site. Much of their work is custom and requires they spend time preparing the smaller pieces of a job, such as building a gazebo or a diving stone. He said all of the things they do sound like much more than a pool installation company would do, but they were directed by City staff to include all of the different aspects of what they do. He then gave some examples of what types of work would be done inside of the building. He said the biggest challenge they face is the weather, a rainy day will allow them to do these inside type projects. Vice-Chairman Urice asked if they would have a problem with a restriction that certain activities be conducted only inside the building. Mr. Nejame said that would not be a problem. Vice-Chairman then asked that they provide specific photos of the screening for the next meeting. Mr. Nejame said the only way to provide perfect screening would be to eliminate all of the trees and replace them with a stockade fence. He added that it is difficult because of the grade changes of the roadway. Vice-Chairman Urice said when he drove by, he could see through the screening, but he will drive by again. Mr. Nejame said the reality is that when you drive by their site, you can barely see their trucks from the roadway. He added that by mid-summer, the trees will thicken and you will not be able to see through them. There was no further discussion with Mr. Nejame so Attorney Mazzucco then called on Mr. Gallagher to speak.

Ralph Gallagher then said the site plan had been revised to show the parking spaces and to designate specific areas of the site for specific uses. He said they increased the number of storage bins from three to fourteen. Vice Chairman Urice said he would like to see a better definition of what will be stored in the outside bins and how they will be regulated He mentioned that the previous approval was for an 11,000 sq.ft. building but now they have

reduced the size of the building to 8,000 sq.ft. He described the temporary drainage on the site and how it will be converted to a permanent system once the building is constructed. Vice-Chairman Urice asked several questions regarding the catch basin and Mr. Gallagher answered them. Mrs. Hoffstaetter asked how the building is accessed. Mr. Gallagher said the vehicular and on-foot access to the building is on the rear side. There was some discussion of the stone cutting area behind the building and Mrs. Hoffstaetter again expressed concern for the potential noise disturbance.

Vice-Chairman Urice asked if there was anyone to speak in opposition to this application and there was no one. He then asked Mrs. Emminger if they were still waiting for any information. Mrs. Emminger said the revisions from the applicant were just received and distributed to the appropriate departments, so we have to give them time to do their reviews and make their final comments. Attorney Mazzucco asked if she wanted to continue this until the June 16th meeting to give everyone adequate time. Mrs. Emminger said she did not think that was necessary, she will have all of the final comments back in time for the June 2nd meeting.

Mr. Chiochio made a motion to continue this hearing. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with four ayes.

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Real Time Capital Properties LLC – Application for Special Exception/Revised Site Plan for expansion of existing self-storage facility (“Safe & Sound Storage”) in the IL-40 Zone – 18 Great Pasture Road (L15008-009) – SE #769. **THIS APPLICATION HAS BEEN TABLED AND CONTINUED UNTIL THE NEXT MEETING AT THE REQUEST OF THE APPLICANT.**

Mr. Chiochio made a motion to table and continue the public hearing. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes.

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OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Global Partners LP/Four Star Realty LLC- Application for Revised Special Exception/Revised Site Plan for Automobile Service Station ("Global Gas Station") in the CG-20 Zone - 108 Newtown Road & 5 Mountainview Terrace (M10029 & M10028) - SE #720.

Mrs. Emminger said all of the members had received the draft resolution by email. She said all of the issues have been resolved and this resolution contains the standard conditions. It also contains some specific conditions, the first being a requirement that the applicant grant an easement to the City for the portions of the sidewalk that are not located within the City right-of-way. The second condition requires that all the landscaping shown on the approved plan be planted. The third condition is a detailed description of the road

work that the applicant has proposed to do to improve the area. There were no questions from the Commission members. Mr. Chiocchio made a motion to approve this application per the draft resolution dated May 13, 2021. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes.

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REFERRALS:

8-3a Referral - Petition of D & B Wellness to Amend Sections 5.A.5.f.(2), 5.B.3.b., and 5.B.5.f.(1) of the Zoning Regulations. (Delete Prohibition on Drive-Thru Window for Medical Marijuana Dispensary.) THIS DATE IS SUBJECT TO CHANGE DEPENDING ON CIRCUMSTANCES RELATED TO COVID-19. Zoning Commission public hearing scheduled for June 8, 2021. THIS WILL BE DISCUSSED AT A FUTURE MEETING.

Mrs. Emminger said this will be discussed at the next meeting.

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8-24 Referral - May City Council Agenda Item #3: Lease Extension /Assignment for Jay Earl Associates LLC, 62-69 Kenosia Avenue.

Mrs. Emminger said this is a request to amend an existing lease as the building ownership has been converted into a commercial condominium. The City has leased this land to this tenant since 1978 for use as parking for their building. City Council had approved this lease assignment at the April Council meeting, but now the tenant has requested to amend the lease with additional extension options. The proposed extensions would bring the lease term to February 2043. Mrs. Emminger said the Commission has previously looked at this lease when the tenant requested to lease additional area in 2019. That request was withdrawn, which worked out because the City Fire Station was just approved to expand onto that additional area. Vice-Chairman Urice said he was concerned about the length of the lease extensions until he realized that they have been leasing this parcel since 1978. There was no other discussion. Mrs. Hoffstaetter made the motion to give this a positive recommendation subject to the review and approval of said lease by the Office of Corporation Counsel and any additional lease terms deemed appropriate by City Council. Mr. Salvagne seconded the motion and it was passed unanimously by roll call vote with ayes from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Vice-Chairman Urice.

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8-24 Referral - May City Council Agenda Item #6: Acquisition of 25 Miry Brook Road (F19011).

Mrs. Emminger said this request is to consider acquisition of the referenced parcel which became available for purchase in 2018 as a result of a Federal bankruptcy proceeding. She said this acquisition was previously authorized by the City Council in November 2020, but

that resolution has expired and been replaced with this one. Corporation Counsel has noted that the acquisition of this parcel would be beneficial as the additional land could be used to expand the maintenance and operational facilities serving the airport. Lastly funding is proposed from available FAA or open space funds and acquiring property for the airport was approved in the City's Capital Improvement Program. Mr. Salvagne made the motion to give this a positive recommendation subject to approval, as to form and content, of all final documents by the Office of the Corporation Counsel. Mr. Chiocchio seconded the motion and it was passed unanimously by roll call vote with ayes from Mr. Chiocchio, Mrs. Hoffstaetter, Mr. Salvagne, and Vice-Chairman Urice.

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Mrs. Emminger said that two new application were submitted but not in time to be listed on the agenda. The first application is for a Jersey Mike's fast food restaurant in the Stop & Shop plaza at 72 Newtown Road. The second application is for the Danbury Proton medical building on 85 Wooster Heights Road. She said the public hearings for these applications would be scheduled for the June 16, 2021 meeting.

At 8:50 PM, Mrs. Hoffstaetter made a motion to adjourn. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with four ayes.

Respectfully submitted,

JoAnne V. Read  
Planning Assistant